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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RHONDA ALEY,)	
)	
Plaintiff,)	
)	Case No. 22 CV 4543
-vs-)	
)	Chicago, Illinois
ELIGO ENERGY, LLC,)	November 16th, 2022
)	10:57 a.m.
Defendant.)	

TRANSCRIPT OF PROCEEDINGS - Video Status Hearing
BEFORE THE HONORABLE JEFFREY COLE, MAGISTRATE JUDGE

APPEARANCES:

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For the Defendant:	KABAT, CHAPMAN & OZMER, LLP
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1 (Proceedings heard via videoconference:)

2 THE COURT: Good morning, everyone.

3 Could I ask you to state your names and who you
4 represent for the record, please.

5 MR. PARONICH: Good morning, Your Honor.

6 Anthony Paronich, counsel for the plaintiff.

7 THE COURT: Thank you, Mr. Paronich.

8 MR. CHAPMAN: And this is Nathan Chapman, counsel for
9 defendant.

10 THE COURT: Okay. Thanks, Mr. Chapman.

11 I asked you folks to be here. I have Judge Kness's
12 referral.

13 What is it that I can do to help you? And what do we
14 need to do?

15 MR. PARONICH: Your Honor, I guess I'll go first.

16 Anthony Paronich for the plaintiff.

17 We had our Rule 16 conference in front of
18 Judge Kness. He entered an order bifurcating discovery in the
19 case and then referring all discovery issues to Your Honor.

20 The parties have started by exchanging discovery
21 requests. I haven't had the chance to further connect with
22 Mr. Chapman on this, but the one issue that we were directed
23 to -- well, we were directed for any discovery issues. I
24 think the only one that we have to discuss that came up at the
25 Rule 16 conference is, there have been discovery that's

1 bifurcated. One of the issues that the plaintiff had in
2 bifurcating discovery was the preservation of records that
3 aren't with the defendant but could be in the hands of their
4 third-party vendors.

5 I'll invite Mr. Chapman to kind of give a different
6 position, but I think, from the plaintiff's perspective, we
7 had an agreement on the record that the plaintiff would be
8 able to alleviate that concern by issuing subpoenas to those
9 third parties.

10 So in terms of immediate discovery supervision, from
11 the plaintiff's perspective, all we need to do is figure out a
12 conduit to receiving that information, which, admittedly, goes
13 outside of the bifurcated discovery and addressing that
14 concern.

15 MR. CHAPMAN: This is Mr. Chapman for defendant.

16 I think that's largely correct. The only
17 clarification I would add is that we -- I believe we
18 specifically discussed the issue of the subpoenas for
19 preservation of documents and information that would then be
20 returnable at a date -- a later date after the bifurcated
21 initial phase of discovery had taken place.

22 MR. PARONICH: So -- and, Your Honor, I don't mean to
23 interrupt.

24 MR. CHAPMAN: No, that was the clarification that I
25 had.

1 THE COURT: But, no, go ahead.

2 MR. PARONICH: And so that -- I think that's a fair
3 clarification, but I might just have a slightly different
4 view, but I hope it's a distinction without a difference, is,
5 from the plaintiff's perspective, we agree that in terms of
6 getting the responsive documents, it, of course, should come
7 after the bifurcated discovery period, but how I envisioned
8 this proceeding is that we would issue subpoenas to these
9 vendors, we'd have a return date that's within the current
10 discovery period, but the only document that would be required
11 to be provided is a commitment that the documents that are
12 listed in the Schedule A are being preserved during the
13 bifurcated discovery period.

14 Because if we don't get a response that the documents
15 are being preserved, we think that could justify good cause to
16 come into court and to potentially either seek those documents
17 or take other steps that would ensure a preservation when the
18 third party has failed to adequately respond.

19 THE COURT: Okay. And what's -- what's the
20 defendant's response to that clarification?

21 MR. CHAPMAN: That -- that's acceptable. That's
22 completely similar with what we discussed before.

23 MR. PARONICH: Yeah.

24 MR. CHAPMAN: I don't -- I don't really think -- you
25 know, that can occur I think without court supervision.

1 The only really outstanding issue that I had to
2 discuss today was just setting a discovery deadline for the
3 initial phase and then, you know, a deadline for any date
4 after that for any dispositive motions.

5 Other than that, the parties have issued written
6 discovery to each other. Mr. Paronich's clarification and
7 statement to the Court about the preservation subpoenas is
8 accurate with his clarification. The defendant has no
9 objection to that.

10 So, you know, that's -- that's -- from our
11 perspective, the only thing that really -- we'd like to see
12 today in getting a -- a deadline for the close of the first
13 phase of discovery.

14 THE COURT: Well, I thought he gave a close date of
15 January 8th, did he not?

16 MR. CHAPMAN: Yeah, he did, and he asked us to
17 discuss that deadline with -- with you, and it's --

18 THE COURT: Okay.

19 MR. CHAPMAN: -- it's fine with us. He just
20 specifically directed us to bring that up with you and make
21 sure that you were okay with it and that it was okay with the
22 parties.

23 THE COURT: Anything that he wants is fine with me.
24 Are you folks okay with the date?

25 MR. PARONICH: From the plaintiff's perspective,

1 we're fine with it, Your Honor. Obviously we have the
2 (indiscernible) coming up, but both parties have already
3 exchanged their requests. So I think as we get the responses
4 and work through the meet-and-confer process, if we believe we
5 need more time, then we'll approach the Court. But we kind of
6 have a unique conduit for a grievant here in litigation that
7 both parties want to get through this initial phase as quickly
8 as possible just for different reasons.

9 THE COURT: Yeah, no, I agree with you.

10 So let's plan on simply going along with his
11 timetable, which, as of now, is January 8th for discovery
12 regarding the named plaintiff. Fact discovery -- well, I
13 shouldn't say it. Discovery is fact and depositions. I
14 (indiscernible) them up.

15 Do you folks envision something different than
16 January 8th as being sufficient to do what he wants done?

17 MR. PARONICH: None at this time, Your Honor, for the
18 plaintiff.

19 THE COURT: Okay.

20 MR. CHAPMAN: None, Your Honor, not for the
21 defendant.

22 THE COURT: Great. And that will do with whatever
23 deposition or depositions you may have in mind, at least as of
24 now, right?

25 MR. PARONICH: That's correct, Your Honor.

1 MR. CHAPMAN: Correct.

2 THE COURT: Okay. Great.

3 If you need anything like on some (indiscernible)
4 basis, call Yulonda, tell her that we need to get together,
5 and she'll make the arrangements and we'll have a conference.

6 If not, let's do this: Why don't we set the next
7 status for mid-January, Yulonda.

8 THE CLERK: Mid-January, okay.

9 THE COURT: Yeah.

10 And hopefully I won't see or talk to you folks before
11 then. But if you need me, I'm here.

12 Are you going to be taking depositions?

13 MR. PARONICH: I think both parties currently plan
14 to, Your Honor. We'll have a little more clarity when we get
15 the specific discovery responses, but we've already started,
16 at least for the plaintiff, discussing a deposition of the
17 plaintiff.

18 THE COURT: Should there be any issues during the
19 depositions, pick up the phone and call Yulonda, and she'll
20 get me and we'll resolve these on the phone if we can.

21 MR. PARONICH: Thank you, Your Honor.

22 MR. CHAPMAN: Thank you, Your Honor.

23 THE CLERK: January --

24 THE COURT: And don't hesitate to call.

25 MR. PARONICH: Thanks, Your Honor.

1 THE CLERK: January 17th at 9:30 a.m.

2 Is that all right?

3 MR. CHAPMAN: Yes, fine for us.

4 MR. PARONICH: That also works for the plaintiff.

5 THE COURT: Wonderful.

6 All right. Good luck, folks.

7 MR. CHAPMAN: Thank you, Your Honor.

8 MR. PARONICH: Thank you, Your Honor.

9 MR. CHAPMAN: And, Your Honor, one other thing. We
10 may be -- we'll be circulating an agreed protective order
11 to --

12 THE COURT: Yeah, file it, and I'll enter it.

13 MR. CHAPMAN: Thank you.

14 THE COURT: All right. Thank you all. Good luck.
15 Bye now.

16 (Which were all the proceedings heard.)

17 * * * * *

18 CERTIFICATE

19 I certify that the foregoing is a correct transcript from
20 the digital recording of proceedings in the above-entitled
21 matter to the best of my ability, given the limitations of
22 using a digital-recording system.

23

24 /s/ Amy M. Spee

12/14/2022

25 Amy M. Spee
Official Court Reporter

Date

/	addressing ^[1] - 3:13 adequately ^[1] - 4:18 admittedly ^[1] - 3:12	3:17, 3:24, 4:3, 4:20, 5:6, 5:8 clarity ^[1] - 7:14 CLERK ^[3] - 7:8, 7:23, 8:1	DIGITAL ^[1] - 1:1 digital-recording ^[1] - 8:22 directed ^[3] - 2:22, 2:23, 5:20 discovery ^[19] - 2:18, 2:19, 2:20, 2:23, 2:25, 3:2, 3:10, 3:13, 3:21, 4:7, 4:10, 4:13, 5:2, 5:6, 5:13, 6:11, 6:12, 6:13, 7:15 discuss ^[3] - 2:24, 5:2, 5:17 discussed ^[2] - 3:18, 4:22 discussing ^[1] - 7:16 dispositive ^[1] - 5:4 distinction ^[1] - 4:4 District ^[1] - 1:23 DISTRICT ^[2] - 1:2, 1:2 DIVISION ^[1] - 1:3 document ^[1] - 4:10 documents ^[5] - 3:19, 4:6, 4:11, 4:14, 4:16 done ^[1] - 6:16 during ^[2] - 4:12, 7:18	foregoing ^[1] - 8:19 FROM ^[1] - 1:1 front ^[1] - 2:17
/s ^[1] - 8:24	agree ^[2] - 4:5, 6:9 agreed ^[1] - 8:10 agreement ^[1] - 3:7 ahead ^[1] - 4:1 ALEY ^[1] - 1:4 alleviate ^[1] - 3:8 AMY ^[1] - 1:22 Amy ^[2] - 8:24, 8:25 amyofficialtranscri pts@gmail.com ^[1] - 1:25 AND ^[1] - 1:19 AND/OR ^[1] - 1:19 ANTHONY ^[1] - 1:12 Anthony ^[2] - 2:6, 2:16 APPEARANCES ^[1] - 1:10 approach ^[1] - 6:5 arrangements ^[1] - 7:5 Atlanta ^[1] - 1:17	close ^[2] - 5:12, 5:14 COLE ^[1] - 1:9 coming ^[1] - 6:2 commitment ^[1] - 4:11 completely ^[1] - 4:22 concern ^[2] - 3:8, 3:14 conduit ^[2] - 3:12, 6:6 confer ^[1] - 6:4 conference ^[3] - 2:17, 2:25, 7:5 connect ^[1] - 2:21 correct ^[4] - 3:16, 6:25, 7:1, 8:19 counsel ^[2] - 2:6, 2:8 course ^[1] - 4:6 Court ^[5] - 1:22, 1:23, 5:7, 6:5, 8:25 court ^[2] - 4:16, 4:25 COURT ^[19] - 1:2, 2:2, 2:7, 2:10, 4:1, 4:19, 5:14, 5:18, 5:23, 6:9, 6:19, 6:22, 7:2, 7:9, 7:18, 7:24, 8:5, 8:12, 8:14 CRR ^[1] - 1:22 CSR ^[1] - 1:22 current ^[1] - 4:9 CV ^[1] - 1:5	done ^[1] - 6:16 during ^[2] - 4:12, 7:18	
0				G
02043 ^[1] - 1:13				GA ^[1] - 1:17 given ^[1] - 8:21 great ^[2] - 6:22, 7:2 grievant ^[1] - 6:6 guess ^[1] - 2:15
1				H
10:57 ^[1] - 1:7 12/14/2022 ^[1] - 8:24 1550 ^[1] - 1:16 16 ^[2] - 2:17, 2:25 16th ^[1] - 1:7 171 ^[1] - 1:16 17th ^[1] - 8:1 17TH ^[1] - 1:16				hands ^[1] - 3:3 heard ^[2] - 2:1, 8:16 Hearing ^[1] - 1:9 help ^[1] - 2:13 hesitate ^[1] - 7:24 Hingham ^[1] - 1:13 Honor ^[15] - 2:5, 2:15, 2:19, 3:22, 6:1, 6:17, 6:20, 6:25, 7:14, 7:21, 7:22, 7:25, 8:7, 8:8, 8:9 HONORABLE ^[1] - 1:9 hope ^[1] - 4:4 hopefully ^[1] - 7:10
2				
2022 ^[1] - 1:7 219 ^[1] - 1:23 22 ^[1] - 1:5 2318A ^[1] - 1:23 2400 ^[1] - 1:13				
3	B			
30363 ^[1] - 1:17 312 ^[1] - 1:24 350 ^[1] - 1:12	basis ^[1] - 7:4 BEFORE ^[1] - 1:9 best ^[1] - 8:21 bifurcated ^[5] - 3:1, 3:13, 3:20, 4:7, 4:13 bifurcating ^[2] - 2:18, 3:2 bring ^[1] - 5:20 BY ^[2] - 1:12, 1:15 bye ^[1] - 8:15	Date ^[1] - 8:25 date ^[6] - 3:20, 4:9, 5:3, 5:14, 5:24 deadline ^[4] - 5:2, 5:3, 5:12, 5:17 Dearborn ^[1] - 1:23 Defendant ^[2] - 1:8, 1:15 defendant ^[5] - 2:9, 3:3, 3:15, 5:8, 6:21 defendant's ^[1] - 4:20 deposition ^[2] - 6:23, 7:16 depositions ^[4] - 6:13, 6:23, 7:12, 7:19 difference ^[1] - 4:4 different ^[4] - 3:5, 4:3, 6:8, 6:15 digital ^[2] - 8:20, 8:22	E	I
4			EASTERN ^[1] - 1:3 either ^[1] - 4:16 ELIGO ^[1] - 1:7 ENERGY ^[1] - 1:7 ensure ^[1] - 4:17 enter ^[1] - 8:12 entered ^[1] - 2:18 entitled ^[1] - 8:20 envision ^[1] - 6:15 envisioned ^[1] - 4:7 exchanged ^[1] - 6:3 exchanging ^[1] - 2:20	IDENTIFICATION ^[1] - 1:18 IL ^[1] - 1:24 ILLINOIS ^[1] - 1:2 Illinois ^[1] - 1:6 immediate ^[1] - 3:10 IN ^[1] - 1:2 INAUDIBLE ^[1] - 1:19 INCORRECT ^[1] - 1:18 indiscernible ^[3] - 6:2, 6:14, 7:3 information ^[2] - 3:12, 3:19 initial ^[3] - 3:21, 5:3, 6:7 interrupt ^[1] - 3:23 invite ^[1] - 3:5 issue ^[4] - 2:22, 3:18, 4:8, 5:1 issued ^[1] - 5:5 issues ^[4] - 2:19, 2:23, 3:1, 7:18 issuing ^[1] - 3:8
4543 ^[1] - 1:5			F	
6	C			
60604 ^[1] - 1:24	Case ^[1] - 1:5 case ^[1] - 2:19 CELLPHONE ^[1] - 1:19 CERTIFICATE ^[1] - 8:18 certify ^[1] - 8:19 chance ^[1] - 2:21 CHAPMAN ^[16] - 1:15, 1:15, 2:8, 3:15, 3:24, 4:21, 4:24, 5:16, 5:19, 6:20, 7:1, 7:22, 8:3, 8:7, 8:9, 8:13 Chapman ^[5] - 2:8, 2:10, 2:22, 3:5, 3:15 Chicago ^[2] - 1:6, 1:24 circulating ^[1] - 8:10 clarification ^[6] -			
8				
818-6531 ^[1] - 1:24 8th ^[3] - 5:15, 6:11, 6:16				
9				
9:30 ^[1] - 8:1				
A				
a.m ^[2] - 1:7, 8:1 ability ^[1] - 8:21 able ^[1] - 3:8 above-entitled ^[1] - 8:20 acceptable ^[1] - 4:21 accurate ^[1] - 5:8 add ^[1] - 3:17			fact ^[2] - 6:12, 6:13 failed ^[1] - 4:18 fair ^[1] - 4:2 Federal ^[1] - 1:22 figure ^[1] - 3:11 file ^[1] - 8:12 fine ^[4] - 5:19, 5:23, 6:1, 8:3 first ^[2] - 2:15, 5:12 folks ^[5] - 2:11, 5:24, 6:15, 7:10, 8:6 FOR ^[1] - 1:2	

J January [7] - 5:15, 6:11, 6:16, 7:7, 7:8, 7:23, 8:1 JEFFREY [1] - 1:9 Judge [2] - 2:11, 2:18 JUDGE [1] - 1:9 justify [1] - 4:15	N named [1] - 6:12 names [1] - 2:3 NATHAN [1] - 1:15 Nathan [1] - 2:8 need [6] - 2:14, 3:11, 6:5, 7:3, 7:4, 7:11 next [1] - 7:6 none [2] - 6:17, 6:20 NORTHERN [1] - 1:2 NOTE [1] - 1:19 NOTIFY [1] - 1:18 November [1] - 1:7 NW [1] - 1:16	Plaintiff [2] - 1:5, 1:11 plaintiff's [4] - 3:6, 3:11, 4:5, 5:25 plan [2] - 6:10, 7:13 PLEASE [1] - 1:18 PORTIONS [1] - 1:19 position [1] - 3:6 possible [1] - 6:8 potentially [1] - 4:16 preservation [4] - 3:2, 3:19, 4:17, 5:7 preserved [2] - 4:12, 4:15 proceeding [1] - 4:8 Proceedings [1] - 2:1 proceedings [2] - 8:16, 8:20 PROCEEDINGS [1] - 1:9 process [1] - 6:4 protective [1] - 8:10 provided [1] - 4:11	Room [1] - 1:23 RPR [1] - 1:22 Rule [2] - 2:17, 2:25	tRANSCRIBED [1] - 1:1 Transcriber [1] - 1:22 transcript [1] - 8:19 TRANSCRIPT [1] - 1:9
K KABAT [1] - 1:15 kind [2] - 3:5, 6:5 Kness [1] - 2:18 Kness's [1] - 2:11	O objection [1] - 5:9 obviously [1] - 6:1 occur [1] - 4:25 OF [4] - 1:2, 1:9, 1:18, 1:19 Official [2] - 1:22, 8:25 one [4] - 2:22, 2:24, 3:1, 8:9 order [2] - 2:18, 8:10 outside [1] - 3:13 outstanding [1] - 5:1 OZMER [1] - 1:15	Q quickly [1] - 6:7	S Schedule [1] - 4:12 see [2] - 5:11, 7:10 seek [1] - 4:16 set [1] - 7:6 setting [1] - 5:2 similar [1] - 4:22 simply [1] - 6:10 slightly [1] - 4:3 South [1] - 1:23 SPEAKER [1] - 1:18 SPEAKERPHONE [1] - 1:19 specific [1] - 7:15 specifically [2] - 3:18, 5:20 spee [1] - 8:24 SPEE [1] - 1:22 Spee [1] - 8:25 started [2] - 2:20, 7:15 state [1] - 2:3 statement [1] - 5:7 STATES [1] - 1:2 States [1] - 1:23 Status [1] - 1:9 status [1] - 7:7 steps [1] - 4:17 Street [3] - 1:12, 1:16, 1:23 subpoenas [4] - 3:8, 3:18, 4:8, 5:7 sufficient [1] - 6:16 Suite [2] - 1:13, 1:16 supervision [2] - 3:10, 4:25 system [1] - 8:22	U UNINTELLIGIBLE [1] - 1:19 unique [1] - 6:6 UNITED [1] - 1:2 United [1] - 1:23 up [5] - 2:24, 5:20, 6:2, 6:14, 7:19 USE [1] - 1:19
L largely [1] - 3:16 LAW [1] - 1:11 least [2] - 6:23, 7:16 limitations [1] - 8:21 Lincoln [1] - 1:12 listed [1] - 4:12 litigation [1] - 6:6 LLC [1] - 1:7 LLP [1] - 1:15 luck [2] - 8:6, 8:14	P P.C [1] - 1:11 Paronich [3] - 2:6, 2:7, 2:16 PARONICH [15] - 1:11, 1:12, 2:5, 2:15, 3:22, 4:2, 4:23, 5:25, 6:17, 6:25, 7:13, 7:21, 7:25, 8:4, 8:8 Paronich's [1] - 5:6 parties [7] - 2:20, 3:9, 5:5, 5:22, 6:2, 6:7, 7:13 party [2] - 3:4, 4:18 period [3] - 4:7, 4:10, 4:13 perspective [5] - 3:6, 3:11, 4:5, 5:11, 5:25 phase [4] - 3:21, 5:3, 5:13, 6:7 phone [2] - 7:19, 7:20 pick [1] - 7:19 place [1] - 3:21 plaintiff [9] - 2:6, 2:16, 3:1, 3:7, 6:12, 6:18, 7:16, 7:17, 8:4	R really [3] - 4:24, 5:1, 5:11 reasons [1] - 6:8 receiving [1] - 3:12 record [2] - 2:4, 3:7 recording [2] - 8:20, 8:22 RECORDING [1] - 1:1 records [1] - 3:2 referral [1] - 2:12 referring [1] - 2:19 regarding [1] - 6:12 Reporter [2] - 1:22, 8:25 represent [1] - 2:4 requests [2] - 2:21, 6:3 required [1] - 4:10 resolve [1] - 7:20 respond [1] - 4:18 response [2] - 4:14, 4:20 responses [2] - 6:3, 7:15 responsive [1] - 4:6 return [1] - 4:9 returnable [1] - 3:20 RHONDA [1] - 1:4	T Telephone [1] - 1:24 terms [2] - 3:10, 4:5 THE [24] - 1:2, 1:2, 1:9, 2:2, 2:7, 2:10, 4:1, 4:19, 5:14, 5:18, 5:23, 6:9, 6:19, 6:22, 7:2, 7:8, 7:9, 7:18, 7:23, 7:24, 8:1, 8:5, 8:12, 8:14 third [3] - 3:4, 3:9, 4:18 third-party [1] - 3:4 timetable [1] - 6:11 today [2] - 5:2, 5:12 together [1] - 7:4	V vendors [2] - 3:4, 4:9 via [1] - 2:1 Video [1] - 1:9 videoconference [1] - 2:1 view [1] - 4:4 vs [1] - 1:6
M MA [1] - 1:13 MAGISTRATE [1] - 1:9 MAKE [1] - 1:19 matter [1] - 8:21 MAY [1] - 1:19 mean [1] - 3:22 meet [1] - 6:4 meet-and-confer [1] - 6:4 mid [2] - 7:7, 7:8 mid-January [2] - 7:7, 7:8 might [1] - 4:3 mind [1] - 6:23 morning [2] - 2:2, 2:5 motions [1] - 5:4 MR [29] - 1:12, 1:15, 2:5, 2:8, 2:15, 3:15, 3:22, 3:24, 4:2, 4:21, 4:23, 4:24, 5:16, 5:19, 5:25, 6:17, 6:20, 6:25, 7:1, 7:13, 7:21, 7:22, 7:25, 8:3, 8:4, 8:7, 8:8, 8:9, 8:13				W wants [2] - 5:23, 6:16 wonderful [1] - 8:5 works [1] - 8:4 written [1] - 5:5
				Y Yulonda [3] - 7:4, 7:7, 7:19